

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Yasuo MITANI et al.
Title: *NOVEL MICROORGANISM SENSITIVE TO LYSOZYME*
Appl. No.: 10/524,630
International Filing Date: 8/14/2003
371(c) Date: 02/16/2005
Examiner: Robert B. Mondesi
Art Unit: 1652
Confirmation Number: 8419

DECLARATION REGARDING DEPOSIT OF MICROORGANISM

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

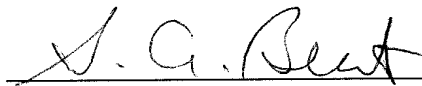
I declare:

1. A deposit of the microorganism identified as *Rhodococcus erythropolis* L-65, of Accession number FERM BP-8443; and the microorganism identified as *Rhodococcus erythropolis* L-88, of Accession number FERM BP-8444, were made at the International Patent Organism Depositary, National Institute of Advanced Industrial Science and Technology, AIST Tsukuba Central 6, 1-1, Higashi 1-Chome, Tsukuba-shi, Ibaraki-ken 305-8566 Japan and accepted under the provisions of the Budapest Treaty for patent purposes.
2. The deposits registered in the name of National Institute of Advanced Industrial Science and Technology and having Accession numbers FERM BP-8443 & FERM BP-8444 were made on June 12, 2002.
3. All restrictions on the availability to the public of the culture deposited will be irrevocably removed upon the granting of a patent from the above-identified application.

4. The deposit will be replaced if viable samples cannot be dispensed by the depository.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued therefrom.

Signed this 19th day of September, 2007

A handwritten signature in cursive script, appearing to read "S. A. Bent", is written over a horizontal line.

Name: Stephen A. Bent
Reg. No. 29,768
Applicants' Representative

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF
MICROORGANISMS FOR THE PURPOSES OF
PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page.

TO DEPOSITOR:

Name: National Institute of Advanced Industrial Science and Technology
Representative: Hiroyuki YOSHIKAWA
Address: 3-1, Kasumigaseki 1-chome, Chiyoda-ku, Tokyo

1. IDENTIFICATION OF MICROORGANISM	
Identification Reference Given by the Depositor: Rhodococcus erythropolis L-65	Accession Number: FERM BP-8443
2. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION	
The microorganism identified under 1 above was accompanied by a document stating the following item(s).	
<input checked="" type="checkbox"/> A Scientific Property <input checked="" type="checkbox"/> Taxonomic Position	
3. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under 1 above, which was received on June 12, 2002. (date of the original deposit)	
4. RECEIPT OF REQUEST FOR TRANSFER	
This International Depositary Authority received the microorganism under 1 above on June 12, 2002 (date of the original deposit), and received on July 28, 2003, a request for transfer from the original deposit to the deposit under the Budapest treaty. (Transferred from FERM P-18885 deposited on June 12, 2002)	
5. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology Representative: <u>Shuichi OKA</u> (sealed) Dr. DIRECTOR Address: AIST Tsukuba Central 6, 1-1, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken 305-8566 JAPAN Date: July 28, 2003	

「特許手続上の微生物の寄託の国際的承認
に関するブタペスト条約」

下記国際寄託当局によって規則7.1に従い
発行される。

BUDAPEST TREATY OF THE INTERNATIONAL
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DEPOSIT AUTHORITY identified at the bottom of this page.

原寄託についての受託証

氏名(名称)

独立行政法人産業技術総合研究所
理事長 吉川 弘之 殿

あて名

〒
東京都千代田区霞が関1-3-1

1. 微生物の表示	
(寄託者が付した識別のための表示) ロドコッカス・エリスロポリス L-65 (Rhodococcus erythropolis L-65)	(受託番号) FERM BP- 8443
2. 科学的性質及び分類学上の位置	
1欄の微生物には、次の事項を記載した文章が添付されていた。 <input checked="" type="checkbox"/> 科学的性質 <input checked="" type="checkbox"/> 分類学上の位置	
3. 受領及び受託	
本国際寄託当局は、平成 14 年 6 月 12 日(原寄託日)に受領した1欄の微生物を受託する。	
4. 移管請求の受領	
本国際寄託当局は、平成 14 年 6 月 12 日(原寄託日)に受領した1欄の微生物を受託した。 そして、平成 15 年 7 月 28 日に原寄託によりブタペスト条約に基づく寄託への移管請求を受領した。 (平成 14 年 6 月 12 日に寄託された FERM P- 18885 号より移管)	
5. 国際寄託当局	
<p>名称 独立行政法人産業技術総合研究所 特許生物寄託センター</p> <p>International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology</p> <p>センター長 岡 修 Dr. Syuichi Oka, Director</p> <p>あて名 日本国茨城県つくば市東1丁目1番地1 中央第5(郵便番号305-8566) AIST Tsukuba Central B. 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan</p>	

平成 15 年 (03) 7 月 28 日

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TO DEPOSITOR:

Name: National Institute of Advanced Industrial Science and Technology
Representative: Hiroyuki YOSHIKAWA
Address: 3-1, Kasumigaseki 1-chome, Chiyoda-ku, Tokyo

1. IDENTIFICATION OF MICROORGANISM	
Identification Reference Given by the Depositor: Rhodococcus erythropolis L-88	Accession Number: FERM BP-8444
2. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION	
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5. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology Representative: <u>Shuichi OKA</u> (sealed) Dr. DIRECTOR Address: AIST Tsukuba Central 6, 1-1, Higashi 1-chome, Tsukuba-shi, Ibaraki-ken 305-8566 JAPAN Date: July 28, 2003	

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原寄託についての受託証

氏名(名称)

独立行政法人産業技術総合研究所
理事長 吉川 弘之 殿

あて名

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東京都千代田区霞が関1-3-1

1. 微生物の表示	
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名称 独立行政法人産業技術総合研究所 特許生物寄託センター International Patent Organism Depositary National Institute of Advanced Industrial Science and Technology センター長 岡 修 Dr. Syuichi Oka, Director あて名 日本国茨城県つくば市東1丁目1番地1 中央第6(郵便番号305-8566) AIST Tsukuba Central 6, 1-1, Higashi 1-Chome Tsukuba-shi, Ibaraki-ken 305-8566 Japan	

平成 15 年 (03) 7 月 28 日